

# Exhibit A

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

- v. -

RARE BREED TRIGGERS, LLC; RARE  
BREED FIREARMS, LLC; LAWRENCE  
DEMONICO; KEVIN MAXWELL,

Defendants.

1:23-CV-00369  
(NRM) (RML)

**DECLARATION OF SPECIAL AGENT DEAN CONIGLIARO**

I, Dean Conigliaro, have personal knowledge of the following facts set forth below, and if called as a witness I would testify as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and am currently assigned to the New York Field Division's Joint Firearms Task Force, where I investigate violations of federal firearms law relating to firearm trafficking, violent crime, and the illegal use, possession, shipment, and transportation of firearms.

2. The facts set forth in this declaration are based on my personal knowledge; knowledge obtained during my participation in this investigation; information from other individuals, including other law enforcement officers conducting investigations into defendants, confidential informants, and other parties; witness interviews; and my review of documents, public records, ATF records, and other sources. The information contained in this declaration is a summary and does not incorporate all facts known to me regarding this investigation.

3. This investigation involves the Rare Breed Triggers model FRT-15, manufactured, marketed and sold by defendants Rare Breed Triggers, LLC (RBF) and Rare Breed Firearms, LLC (RBF), Kevin Maxwell (Maxwell), and Lawrence DeMonico (DeMonico) (collectively,

Defendants). The investigation also involves the sale of the Wide Open Trigger (WOT) by Defendants.

4. This Declaration serves as a supplement to the Declaration of Special Agent Daniel Koneschusky filed with the complaint in this action on January 19, 2023 (Koneschusky Decl.). (Dkt. 7), the Declaration of Special Agent Dean Conigliaro, dated February 23, 2023 (Dkt. 25), and the Declaration of Special Agent Dean Conigliaro, dated March 29, 2023 (Dkt. 40-1).

**DEFENDANTS HAVE SOLD PRODUCTS DIRECTLY INTO NEW YORK**

5. Defendant RBF shipped packages directly to addresses in New York State. *See* Dkt. 25 at ¶¶ 9-11; Dkt. 40-1 at ¶¶ 7-39.

6. ATF Special Agents have visited several of those addresses in the Eastern District of New York, and elsewhere in New York, and spoken to the recipients identified in records provided by the United States Postal Service (USPS).

7. According to records obtained from the USPS, Defendant RBF shipped a package to an address in Collins, New York, in the Western District of New York, which was addressed to Recipient Eight (R-8). The shipping label was printed on May 14, 2021, at 12:48 p.m.

8. On March 29, 2023, an ATF Special Agent telephonically interviewed R-8.

9. R-8 voluntarily informed the ATF Special Agent that though R-8 was considering the purchase of an FRT-15, R-8 did not purchase one. R-8 confirmed to the ATF Special Agent that R-8 purchased two springs and a locking bar from defendant Rare Breed Firearms and provided the ATF Special Agent with a screenshot from R-8's cell phone of R-8's order confirmation email from defendant Rare Breed Firearms. R-8 added that when R-8 purchased the springs and locking bar from Defendants, the company stated on their website that they would not ship an FRT-15 to New York State.

10. A review of the screenshot of the purchase receipt provided by R-8 shows that on May 13, 2021, R-8 received an email confirmation from Rare Breed Firearms identifying R-8's order as order number 1930. The order confirmation email identifies R-8's shipping and billing addresses as being in New York State. The shipping and billing addresses also match the information contained in the USPS records. The email confirmation from Rare Breed Firearms identifies the content of R-8's order to be (i) an FRT-15 Locking Bar Spring; (ii) Hammer Spring; and (iii) Replacement Locking Bar (Modified). A copy of the Rare Breed Firearms order confirmation email is attached hereto at Attachment 1.

11. According to USPS records, Defendant RBF shipped a package to an address in Carmel, New York, in the Southern District of New York, which was addressed to Recipient Nine (R-9). The shipping label was printed on August 31, 2021, at 2:50 p.m.

12. On March 28, 2023, ATF Special Agents telephonically interviewed R-9.

13. R-9 stated that R-9 never purchased an FRT-15, but did purchase some anti-walk pins from Rare Breed Firearms. R-9 emailed an ATF Special Agent a copy of the order confirmation received from Rare Breed Firearms. The order confirmation email identifies R-9's order number as being order #2988 and is dated August 28, 2021. R-9's shipping and billing addresses are identified as being in New York State, and match the information in the USPS records. A copy of the Rare Breed Firearms order confirmation email is attached hereto at Attachment 2.

14. I am aware that anti-walk pins are used in both semi-automatic and fully automatic firearm applications. I am also aware that anti-walk pins are used in the FRT-15 and were included with the FRT-15 to customers as part of the purchase. Anti-walk pins sold by Rare Breed Firearms could likely be used in applications besides the FRT-15.

15. According to USPS records, Defendant RBF shipped a package to an address in Hopewell Junction, New York, in the Southern District of New York, which was addressed to Recipient Ten (R-10). The shipping label was printed on August 31, 2021, at 2:43 p.m.

16. On March 24, 2023, ATF Special Agents telephonically interviewed R-10.

17. R-10 confirmed ordering and receiving an FRT-15 about two years ago. R-10 ordered the FRT-15 over the internet, but did not recall from which website. R-10 stated that R-10 purchased the FRT-15 but believed that, should the FRT-15 be banned, the FRT-15 would be grandfathered in. Once R-10 heard that the FRT-15 was banned, R-10 decided to break the FRT-15 and discard it in the garbage. R-10 did not recall making any other purchases from the website.

18. According to USPS records, Defendant RBF shipped a package to an address in Woodbridge, New York, in the Southern District of New York, which was addressed to Recipient Eleven (R-11). The shipping label was printed on April 29, 2021, at 7:08 p.m.

19. On March 29, 2023, an ATF Special Agent telephonically interviewed R-11.

20. R-11 stated that R-11 attempted to purchase an FRT-15 from Rare Breed but that Rare Breed would not ship to R-11 in New York State. R-11 stated that R-11 never received an FRT-15 from Rare Breed and does not know what, if anything, was shipped to R-11 by Rare Breed.

21. According to USPS records, Defendant RBF shipped a package to an address in Theresa, New York, in the Northern District of New York, which was addressed to Recipient Twelve (R-12). The shipping label was printed on September 3, 2021, at 8:18 p.m.

22. On March 27, 2023, an ATF Special Agent attempted to interview R-12 at the location identified in the USPS records but R-12 refused to be interviewed.

23. On March 28, 2023 and March 29, 2023, the ATF Special Agent received voicemail messages from R-12 wherein R-12 requested the ATF Special Agent to contact R-12. The ATF Special Agent attempted to do, but was unsuccessful.

24. On March 30, 2023, the ATF Special Agent returned to the location identified in the USPS records. R-12 agreed to be interviewed.

25. R-12 stated that R-12 purchased an FRT-15 and paid approximately \$350. R-12 confirmed that the FRT-15 was received on or about September 3, 2021, which is consistent with the information contained in the USPS records. The purchase was made over the internet and payment was made with bitcoin. R-12 stated the FRT-15 arrived in plain packaging. R-12 stated that R-12 was not aware that the FRT-15 was considered a machinegun and recalled there being something on the seller's website about the item not being a machinegun.

26. R-12 stated further that in the Fall of 2022, R-12 learned that ATF was attempting to retrieve FRT-15s because the FRT-15 was considered to be a machinegun. R-12 decided to destroy the FRT-15 and disposed of the scrap metal in the trash.

27. According to USPS records, Defendant RBF shipped a package to an address in Springville, New York, in the Western District of New York, which was addressed to Recipient Twelve (R-13). The shipping label was printed on April 12, 2022, at 12:49 p.m.

28. On March 30, 2023, R-13 voluntarily agreed to meet with ATF Special Agents at a location unassociated with the shipping address identified in the USPS records. R-13 immediately handed to the ATF Special Agents a plastic bag containing a disabled FRT-15. The ATF Special Agents explained that the FRT-15 is classified as a machinegun and is illegal to possess. R-13 stated to the ATF Special Agents that R-13 purchased the FRT-15 directly from "Rare Breed" approximately two years ago after Rare Breed was "raided in Florida."

29. R-13 executed an ATF Form 3400.1, Consent to Forfeiture or Destruction of Property and Wavier of Notice.

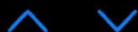
Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on April 1, 2023.

By: \_\_\_\_\_  
Dean Conigliaro  
Special Agent



< Inbox



Found in Important Mailbox



Rare Breed Firearms

5/13/21

To: [REDACTED]

# Your Rare Breed Firearms Order Confirmation (#1930)

## Thanks for Your Order



Your order ID is #1930.

### Shipping Address

### Billing Address

[REDACTED]  
Collins, New York  
United States  
[REDACTED]

[REDACTED]  
Collins, New York  
United States  
[REDACTED]

### Your Order Contains...

Cart Items	SKU	Qty	Item Price	Item Total
FRT-15 Locking Bar Spring	FRT-15 Locking Bar Spring	3	\$3.00 USD	\$9.00 USD
Hammer Spring	Hammer Spring	1	\$10.00 USD	\$10.00 USD
Replacement Locking Bar (Modified)	Replacement Locking Bar (Modified)	1	\$25.00 USD	\$25.00 USD
Subtotal:				\$44.00 USD
Shipping:				\$3.94 USD



**From:** Rare Breed Firearms <admin@rarebreedfirearms.com>  
**Sent:** Saturday, August 28, 2021, 3:52 PM  
**To:** [REDACTED]  
**Subject:** Your Rare Breed Firearms Order Confirmation (#2988)

## Thanks for Your Order



Your order ID is #2988.

### Shipping Address

[REDACTED]  
Carmel, New York  
United States  
[REDACTED]

### Billing Address

[REDACTED]  
Carmel, New York  
United States  
[REDACTED]

### Your Order Contains...

Cart Items	SKU	Qty	Item Price	Item Total
Anti-Walk Pins	Anti-Walk Pins	1	\$15.00 USD	\$15.00 USD
Subtotal:				\$15.00 USD
Shipping:				\$3.69 USD
Tax:				\$0.00 USD
Grand Total:				\$18.69 USD
Payment Method:				Credit Card

**Rare Breed Firearms**  
<https://www.rarebreedfirearms.com/>

Rare Breed Firearms is powered by BigCommerce. [Launch your own store for free](#) with BigCommerce.